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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission
DOCKETED

JUN 30 2008

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E-00000M-08-0170

IN THE MATTER OF ARIZONA SOLAR }
ONE LLC'S REQUEST FOR A WAIVER }
OF NINETY DAY PREFILING PERIOD }
PURSUANT TO A.R.S. §40-360.02 }

REQUEST FOR WAIVER

Arizona Solar One LLC ("Arizona Solar") respectfully requests that the Arizona Corporation Commission ("Commission") exercise the Commission's discretion pursuant to A.R.S. § 40-360.02(E) to consider its Application for a Certificate of Environmental Compatability ("CEC") in the absence of a 90 day advance filing under A.R.S. § 40-360.02(B).

I. BACKGROUND AND OVERVIEW

Arizona Solar plans to construct the Solana Generating Station Project ("Project"), a 280 MW concentrating solar power ("CSP") generating facility west of Gila Bend, Arizona. When operational, the Project will produce enough electricity to serve 70,000 homes and will eliminate approximately 475,000 tons of carbon dioxide emissions that would normally result from providing 280 MW of power from a natural gas-fired plant.

Arizona Solar expects to file its CEC on or before July 31, 2008. A.R.S. § 40-360.02(B) states that any person considering the construction of a plant in Arizona will "file a plan with the commission ninety days before filing an application for a certificate of environmental compatibility." (The plan required under Subsection B is hereafter referred to as the "Plan"). One aspect of the Plan is a power flow and a stability analysis that is

1 just about complete. The time required to complete this analysis is the reason that the Plan
2 was not filed earlier. The preparation of that analysis has been conducted concurrently
3 with the CEC application process.

4 **II. A.R.S. § 40-360.02(E) AUTHORIZES THE COMMISSION TO CONSIDER**
5 **CEC APPLICATIONS EVEN IN THE ABSENCE OF A 90 DAY ADVANCE**
6 **PLAN FILING**

7 Arizona Solar seeks the Commission's review of its CEC application before the end
8 of the year to meet the financing and construction scheduling needs of the Project.
9 Arizona Solar will be unable to meet this time frame if a 90 day prefiling period is
10 necessary. Arizona Solar also believes that the purpose of the advance filing requirement
11 of Subsection B can still be addressed (as discussed below). Arizona Solar requests that
12 the Commission consider its CEC application, as authorized under Subsection E, in the
13 absence of a 90 day advance filing.

14 **III. THE PURPOSE OF THE ADVANCE FILING REQUIREMENT WILL BE**
15 **SERVED IN THIS CASE**

16 The purpose of the advance filing requirement is to ensure that the Commission and
17 its Staff have adequate time to review plans for a new power plant before making a
18 decision on the associated CEC application. Although the Commission and Commission
19 Staff will not have 90 days prior to Arizona Solar's filing of its CEC application, Arizona
20 Solar believes that there will be adequate time to address any of the Commission's or
21 Commission Staff's concerns prior to the Commission's review of the CEC application.
22 To facilitate Commission Staff's review, Arizona Solar has already provided some
23 information about the Project to the Commission Staff.

24 To ensure there is adequate time for review, Arizona Solar will propose and support
25 a hearing schedule before the Line Siting Committee that allows Commission Staff
26 adequate time to review the Plan before Staff must present its direct case. Arizona Solar
expects the Plan to be filed on or about July 15, 2008. If Arizona Solar files its CEC

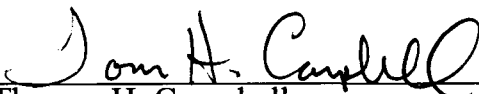
1 application on July 31, hearings are likely to be in September and October. Since Staff
2 usually presents its testimony last, it, in all likelihood, will not be presenting its case until
3 October.

4 **IV. CONCLUSION**

5 Arizona Solar respectfully requests that the Commission allow Arizona Solar's
6 forthcoming CEC application to be considered despite the lack of a 90 day advance filing
7 of its Plan. Arizona Solar believes that the purpose of the advance filing requirement will
8 be served in this case and commits to working with the Commission Staff to ensure that
9 the Plan is adequately reviewed prior to the Commission's decision on the CEC
10 application for the Project.

11 DATED this 27th day of June, 2008.

12 LEWIS AND ROCA LLP

13
14 By 
15 Thomas H. Campbell
16 Albert H. Acken
17 Matthew G. Bingham
Attorneys for Arizona Solar One LLC

18 ORIGINAL and thirteen (13)
19 copies of the foregoing filed
this 27th day of June, 2008, with:

20 The Arizona Corporation Commission
21 1200 W. Washington Street
Phoenix, Arizona 85007

22 COPIES of the foregoing
23 hand delivered this 27th day of
June, 2008 to:

24 Mike Gleason, Chairman
25 Arizona Corporation Commission
1200 W. Washington Street
26 Phoenix, Arizona 85007

1 William Mundell, Commissioner
2 Arizona Corporation Commission
3 1200 W. Washington Street
4 Phoenix, Arizona 85007

5 Jeff Hatch-Miller, Commissioner
6 Arizona Corporation Commission
7 1200 W. Washington Street
8 Phoenix, Arizona 85007

9 Kristin K. Mayes, Commissioner
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13 Gary Pierce, Commissioner
14 Arizona Corporation Commission
15 1200 W. Washington Street
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17 Janice Alward, Legal Department
18 Charles Hains, Legal Department
19 Arizona Corporation Commission
20 1200 W. Washington Street
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22 Lyn Farmer, Chief Administrative Law Judge
23 Arizona Corporation Commission
24 1200 W. Washington Street
25 Phoenix, Arizona 85007

26 Ernest Johnson, Director
Utilities Division
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, Arizona 85007

COPY of the foregoing mailed this
27th day of June, 2008, to:

John Foreman, Chairman, Arizona Power Plant
and Transmission Line Siting Committee
Office of the Attorney General
1275 W. Washington Street
Phoenix, Arizona 85007

